



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 7496-99  
2 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 11 February 1982 after more than 13 years of prior active service. You served without incident until 4 March 1988 when you received nonjudicial punishment (NJP) for two instances of failure to obey an order by panhandling in a naval station galley. The punishment imposed consisted of restriction and extra duty for 45 days and reduction in pay grade from EN1 (E-6) to EN2 (E-5). On 31 May 1989 you were transferred to the Fleet Reserve as an EN2.

The Board noted your contention that you should have been allowed to retire as an EN1 but found it insufficient to warrant removal of the 4 March 1988 NJP or restoration to EN1. In this regard, the Board presumed that the commanding officer acted reasonably in concluding, based on the evidence before him, that you committed the foregoing offenses. The Board concluded that the commanding officer was in the best position to resolve the factual issues and determine an appropriate punishment. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director